

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLY MCLAIN ROSETTE,

Defendant.

CR-18-63-GF-BMM-3

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 20, 2024. (Doc. 313.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 18, 2024. (Doc. 308.) The United States accused Charly Rosette (Rosette) of violating the conditions of

her supervised release by: (1) unlawfully using a controlled substance by using buprenorphine and fentanyl and (2) failing to remain living at a place approved by her probation officer by leaving her approved placement at Sober Beginnings on or about November 19, 2023, and failing to advise probation officer of her whereabouts since that time. (Doc. 295.)

At the revocation hearing, Rosette admitted that she had violated the conditions of her supervised release by: (1) unlawfully using a controlled substance by using buprenorphine and fentanyl and (2) failing to remain living at a place approved by her probation officer by leaving her approved placement at Sober Beginnings on or about November 19, 2023, and failing to advise probation officer of her whereabouts since that time. (Doc. 308.)

Judge Johnston found that the violations Rosette admitted proved to be serious and warranted revocation, and recommended that Rosette receive a custodial sentence of 10 months with no supervised release to follow. (Doc. 312.) Rosette was advised of her right to appeal and her right to allocute before the undersigned and waived those rights. (Doc. 308.) The violations prove serious and warrants revocation of Rosette's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc.312) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Charley McClain Rosette be sentenced to the custody of the United States Bureau of Prisons for a period of 10 months with no supervised release to follow. Rosette shall serve her term of custody at FCI Tallahassee.

DATED this 20th day of June, 2024

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris, Chief District Judge
United States District Court